

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 314 (Sub-No. 7X)

CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN POTTAWATTAMIE COUNTY, IOWA, AND DOUGLAS COUNTY,
NEB.

Decided: July 14, 2015

Chicago, Central & Pacific Railroad Company (CC&P) filed a petition under 49 U.S.C. § 10502 for exemption from the provisions of 49 U.S.C. § 10903 to abandon approximately 2.56 miles of interconnected track across and adjacent to the Missouri River in Iowa and Nebraska (the Missouri River Bridge Line or Line). The Line consists of: (1) approximately 2.12 miles of rail line extending from milepost 510.62 in Council Bluffs, Pottawattamie County, Iowa, across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Douglas County, Neb.,¹ and (2) the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the first line segment at North 16th Street, an additional distance of approximately 0.44 miles. Notice of the exemption was served and published in the Federal Register on February 11, 2015 (80 Fed. Reg. 7682).²

By decision served on May 12, 2015 (May 12 Decision), the Board granted the exemption to abandon the Line, subject to certain conditions.³ The exemption was scheduled to become effective on June 11, 2015, unless an OFA was filed on or before May 22, 2015, subject to the time extensions authorized under 49 C.F.R. § 1152.27(c)(1)(i)(C). By letter dated May 11, 2015, and filed on May 20, 2015, Omaha Bridge and Terminal Railway, LLC (OBTR) submitted a notice indicating its intent to file an OFA and requesting that the Board toll for 30 days the period to submit an OFA under 49 C.F.R. § 1152.27(c)(1)(i)(C). In the filing, OBTR stated that it had requested CC&P to provide it with certain information and documentation set forth in 49 C.F.R. § 1152.27(a).

¹ According to CC&P, the Line includes a milepost equation (adjustment), which accounts for what might otherwise be perceived as a mileage discrepancy based on calculations applying the terminal milepost numbers.

² This notice inadvertently contained an incorrect milepost number. The Board issued a correction to this notice in the Federal Register on May 8, 2015 (80 Fed. Reg. 26,618).

³ The May 12 Decision imposed an employee protective condition, four environmental consultation conditions, and one historic preservation condition. These conditions remain in effect.

By decision served on May 29, 2015 (May 29 Decision), the Board directed CC&P to provide to OBTR the requested information and to notify the Board when it had done so. The Board tolled the time period for OBTR to submit an OFA until 10 days after OBTR's receipt of the requested information. That decision also provided that the effective date of the exemption would be postponed until 10 days after the due date for the filing of an OFA.

On July 7, 2015, CC&P certified to the Board that it delivered the requested information to OBTR on July 6, 2015. Accordingly, pursuant to the May 29 Decision, OBTR's OFA will be due by July 16, 2015. The effective date of the exemption will be July 26, 2015.

It is ordered:

1. The due date for OBTR to file an OFA is July 16, 2015.
2. The effective date of the exemption is July 26, 2015.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.